

1 THOMAS M. BOEHM [SBN 63888]
2 LAW OFFICE OF THOMAS M. BOEHM
2 North Santa Cruz Avenue, Suite 211
Los Gatos, CA 95030-5900
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4 TELEPHONE: 408.998.8899
FACSIMILE: 408.998.4848
EMAIL: BOEHMTM@GMAIL.COM

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6 ATTORNEY FOR PLAINTIFFS,
BERNARD PICOT and PAUL DAVID MANOS
7 MTN TO TRANSFER.OPPO.EVI.wpd

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 BERNARD PICOT and) CASE NO. 5:12-CV-01939 EJD
12 PAUL DAVID MANOS,)
13 Plaintiffs,)
14 v.)
15 DEAN D. WESTON, and DOES 1)
through 15, inclusive,)
16)
17 Defendants.)
18 _____)
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OBJECTION TO REPLY EVIDENCE
ON MOTION TO TRANSFER
LOCAL CIVIL RULE 7-3(d)(1)
Hearing date: August 10, 2012
Hearing time: 9:00 am
Dept: Courtroom 4, 5th Floor
Judge: Hon. Edward J. Davila

1 On the grounds set out below, PLAINTIFFS, BERNARD PICOT and PAUL DAVID
 2 MANOS, object to and move to strike the indicated evidentiary proffer/s filed by DEAN
 3 WESTON in support of his MOTION TO TRANSFER.

4 5 OBJ.	6 7 MATERIAL 8 OBJECTED TO	9 10 GROUND/S FOR OBJECTION & 11 MOTION TO STRIKE
14 15 1 The entirety of the: FURTHER DECLARATION 16 17 18 19 20 21 22 23 24 25 26 27 28 2 The WESTON REPLY T R A N S F E R DECLARATION, at its ¶ 3, stating: a. Ralph Keller ... has told me that Dave Manos said to him that I was to receive an equal share of the profits from the sale of the hydrogen cell and/or electrolyte. //	14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 The Declaration was: ~ Not mentioned in the Notice of Motion as a basis for the motion/s it purports to support; ~ Not specified in the application for further time to file reply briefs submitted by DEFENDANT [DKT 18]; and, ~ Filed despite an Order from this Court [DKT 21] allowing further time only for the filing of a "Reply Brief on the Motion to Dismiss pursuant to Rule 12(b)(2) and (3) and on his Motion for Transfer of Venue under 28 U.S.C. § 1404(a)."	
14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 //	14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 HEARSAY. Federal Rules of Evidence, Rule 802.	

1 OBJ.	2 MATERIAL OBJECTION TO	3 GROUND/S FOR OBJECTION & MOTION TO STRIKE
4 3	5 The WESTON REPLY T R A N S F E R DECLARATION, at its ¶ 3, stating: 6 b. ... Mr. Rao has 7 informed me that, while 8 in Michigan, Mr. Manos discussed with him both 9 the fuel cell and made reference to me as one of three "partners." ...	10 HEARSAY. 11 Federal Rules of Evidence, Rule 802. 12

13 DATED: May 27, 2012 /S/ THOMAS M. BOEHM

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15 THOMAS M. BOEHM
16 Attorney for PLAINTIFFS, BERNARD PICOT
17 and PAUL DAVID MANOS